

HOUSE BILL NO. 358

INTRODUCED BY K. BALES, BARRETT, DEVLIN, HEDGES, R. HOLDEN, LENHART, MATTHEWS,
OLSON, STEINBEISSER, ZOOK

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE PROCEDURES FOR OPENING OR REOPENING
AN ELEMENTARY SCHOOL; ALLOWING PARENTS OF AT LEAST TWO PUPILS TO PETITION THE
TRUSTEES; LOWERING THE REQUIRED ANB TO TWO; ALLOWING THE TRUSTEES TO OPEN OR REOPEN
THE SCHOOL DURING THE CURRENT SCHOOL FISCAL YEAR; REQUIRING A SCHOOL TO BE CLASSIFIED
AS ISOLATED BEFORE OPENING OR REOPENING DURING THE CURRENT SCHOOL FISCAL YEAR;
AMENDING SECTIONS 20-6-502 AND 20-9-302, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 20-6-502, MCA, is amended to read:

"20-6-502. Opening or reopening of elementary school. The trustees of any elementary district
may open or reopen an elementary school of the district when ~~such the~~ opening or reopening has been
approved in accordance with the following procedure:

(1) The parents of at least ~~three~~ two pupils who would attend the opened or reopened school
petition the trustees of the district to open or reopen a school ~~during the ensuing school fiscal year. Such~~
The petition ~~shall~~ must identify the school, state the reasons for requesting the opening or reopening, and
give the names of the children who would attend ~~such the~~ school.

(2) If the trustees approve the opening or reopening of a school, they shall send the petition with
a copy of their approval resolution to the county superintendent. The county superintendent shall review
the petition to determine if the average number belonging (ANB) of ~~such the~~ school would be ~~five~~ two or
more. If the trustees plan to open or reopen the school during the current school fiscal year, the trustees
shall include the proposed opening date in the approval resolution and shall request that the process
outlined in this section be expedited.

(3) The county superintendent shall present the petition, trustees' approval, and ~~his~~ the county
superintendent's findings on the probable ANB to the board of county commissioners (~~budget board~~) for
their consideration. The ~~budget~~ board shall deny the opening or reopening of any school if the county

1 superintendent's enrollment estimate for ~~such the~~ school is less than ~~five~~ two ANB. In all other cases, the
2 ~~budget~~ board may approve or disapprove the requested opening or reopening of the elementary school.

3 (4) (a) If the ~~budget~~ board approves a school opening or reopening, the county superintendent shall
4 send a copy of ~~such the~~ approval, along with the petition, trustees' approval, and ~~his the county~~
5 superintendent's estimate of the probable ANB, to the superintendent of public instruction. The
6 superintendent of public instruction shall approve or disapprove the requested opening or reopening of the
7 elementary school. If the opening or reopening is approved, the superintendent of public instruction shall
8 approve or adjust the ANB estimate of the county superintendent for ~~such the~~ school and ~~such the~~ ANB
9 amount ~~shall must~~ be used for budgeting and BASE funding program purposes during the ensuing school
10 fiscal year. ~~No An~~ ANB amount ~~shall may not~~ be approved for the ensuing school fiscal year for an opening
11 or reopening school when the request for ~~such the~~ school has not been received by the superintendent of
12 public instruction before the fourth Monday of June.

13 (b) (i) If the opening or reopening is approved and the trustees want to open or reopen the school
14 during the current school fiscal year, the trustees shall submit a budget request to the superintendent of
15 public instruction for that portion of the fiscal year in which the school will be in operation prior to the
16 ensuing school fiscal year. The superintendent of public instruction shall approve or adjust the budget
17 request and prorate the K-12 BASE aid to reflect SHALL FUND THE BUDGET FOR the portion of the school year
18 in which the school will be in operation.

19 (ii) Before a school can open or reopen during the current school fiscal year, the school must be
20 classified as an isolated school in accordance with the provisions of 20-9-302, except that the dates in
21 that section for the submission and approval of the application for classification do not apply and the
22 application must be made at the same time that the application for opening or reopening the school is
23 made."

24
25 **Section 2.** Section 20-9-302, MCA, is amended to read:

26 **"20-9-302. School isolation.** (1) ~~The~~ Except as provided in 20-6-502(4)(b), the trustees of any
27 district operating an elementary school of less than 10 ANB or a high school of less than 25 ANB for 2
28 consecutive years shall apply to have the school classified as an isolated school. The application ~~shall must~~
29 be submitted by the trustees to the county superintendent by May 1 of the second consecutive year that
30 enrollment falls below the amount specified in this subsection. ~~Such The~~ application ~~shall must~~ include:

1 (a) the name of each pupil who will attend the school during the ensuing school fiscal year with
2 the distance the pupil resides from the nearest county road or highway;

3 (b) a description of conditions affecting transportation such as poor roads, mountains, rivers, or
4 other obstacles to travel, the distance the school is from the nearest open school having room and facilities
5 for the pupils of ~~such~~ the school, or any other condition that would result in an unusual hardship to the
6 pupils of the school if they were transported to another school; and

7 (c) any other information prescribed by the superintendent of public instruction.

8 (2) The county superintendent shall submit the applications to the board of county commissioners
9 ~~(budget board)~~ for their consideration on or before May 15. The ~~budget~~ board shall approve or disapprove
10 the application on the basis of the criteria established by the superintendent of public instruction. The
11 ~~budget~~ board ~~also~~ may approve an application because of the existence of other conditions which would
12 result in an unusual hardship to the pupils of ~~such~~ the school if they were transported to another school.

13 (3) When an application is approved, the county superintendent shall submit ~~such~~ the application
14 to the superintendent of public instruction before June 1. The superintendent of public instruction shall
15 approve or disapprove ~~such~~ the application for isolated classification by the fourth Monday of June on the
16 basis of the information supplied by the application or objective information the superintendent of public
17 instruction may collect on ~~his~~ the superintendent's own initiative. ~~No~~ An elementary or high school ~~shall~~
18 may not be considered an isolated school until the approval of the superintendent of public instruction has
19 been received."

20
21 NEW SECTION. **Section 3. Effective date.** [This act] is effective July 1, 2001.

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